LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 108

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LeMond Cycling, Inc.,

Plaintiff,

v.

Trek Bicycle Corporation,

Defendant/Third-Party Plaintiff,

v.

Greg LeMond,

Third-Party Defendant.

Case No. 08-CV-01010 (RHK/JSM)

DECLARATION OF JENNIFER M. ROBBINS IN OPPOSITION TO TREK'S MOTION FOR PROTECTIVE ORDER

I, Jennifer M. Robbins, being first duly sworn upon oath, depose and state as follows:

1. I am an attorney representing LeMond Cycling, Inc. (Plaintiff). I make this Declaration on personal knowledge and in support of Memorandum of Law in Opposition to Trek's Motion for Protective Order.

2. Attached to this Declaration as Exhibit 1 are true and correct copies of excerpts of the deposition transcript of John Burke, taken April 7, 2009.

3. Attached to this Declaration as Exhibit 2 is a true and correct copy of Exhibit No. 136 of the deposition transcript of John Burke, taken April 7, 2009, which is

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a Media Release by Trek Bicycle Corporation titled "Trek to Immediately Sever Relationship with Greg Lemond" dated April 8, 2008.

4. Attached to this Declaration as Exhibit 3 is a true and correct copy of Exhibit No. 137 of the deposition transcript of John Burke, taken April 7, 2009, which is a Microsoft PowerPoint presentation titled "Trek Company Update" dated April 8, 2008.

5. Attached to this Declaration as Exhibit 4 is a true and correct copy of Exhibit Nos. 138-150 of the deposition transcript of John Burke, taken April 7, 2009, which are customer comments regarding the Lemond-Trek situation.

6. Attached to this Declaration as Exhibit 5 is a true and correct copy of a DVD containing 4 .wmv files (video clips) from the Internet web site www.youtube.com titled "Trek Company Update Parts 1-4", downloaded on May 14, 2009.

7. Attached to this Declaration as Exhibit 6 is a true and correct copy of an excerpt of the deposition transcript of Ira Langer, taken May 7, 2009.

8. Attached to this Declaration as Exhibit 7 is a true and correct copy of a Complaint in this matter, dated December 8, 2004 which was served but not filed.

9. Attached to this Declaration as Exhibit 8 are true and correct copies of print-outs from the Internet web site www.youtube.com showing the number of viewers associated with the posting of the Trek Presentation of April 8, 2008, downloaded on May 14, 2009.

10. Attached to this Declaration as Exhibit 9 is a true and correct copy of Trek Bicycle Corporation's Second Revised Redaction Log in this litigation, dated May 13, 2009.

11. Attached to this Declaration as Exhibit 10 is a true and correct copy of Trek Bicycle Corporation's Third Revised Privilege Log in this litigation, dated May 7, 2009.

12. Attached to this Declaration as Exhibit 11 is a true and correct copy of Trek Bicycle Corporation's Index to Trek's Revised Privilege and Redaction Logs, dated April 10, 2009.

13. Attached to this Declaration as Exhibit 12 is a true and correct copy of an article from the Internet web site minnesota.publicradio.org titled "Trek Bicycles Sues to End Relationship with Greg LeMond", dated April 8, 2008.

14. Attached to this Declaration as Exhibit 13 are true and correct copies of biographical summaries from the Internet web site www.pstrategies.com (Public Strategies, Inc.), printed May 14, 2009.

15. Attached to this Declaration as Exhibit 14 is a true and correct copy of *Bredemus v. International Paper Company*, 252 F.R.D. 529 (2008).

16. Attached to this Declaration as Exhibit 15 is a true and correct copy of *Isensee v. HO Sports Company, Inc.*, 2007 WL 1118274 (D. Minn.).

17. Attached to this Declaration as Exhibit 16 is a true and correct copy of *Haugh v. Schroder Investment Management North America Inc.*, 2003 WL 21998674 (S.D.N.Y.).

18. Attached to this Declaration as Exhibit 17 is a true and correct copy of *In Re New York Renu With Moistureloc Product Liability Litigation*, 2008 WL 2338552 (D.S.C.).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of May, 2009.

s/ Jennifer M. Robbins
Jennifer M. Robbins